IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 10181 of 2007(K)

AGAINST THE ORDER IN EA786/06 EP 184/04 IN OS.1244/1991 of II ADDL.SUB COURT,THRISSUR

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PETITIONER:

P.RAJAN BABU, SENIOR MANAGER,
INDIAN BANK, MAIN BRANCH,
SWARAJ ROUND EAST, THRISSUR NOW
RESIDING AT NO.8, BANK COLONY, VYLOPPALY NAGAR,
NELLANKARA, NELLISSERY P.O., THRISSUR.

BY ADV. SRI.S.EASWARAN

RESPONDENTS:

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1. SUSAKTHA FINANCE AND CHITS (P) LTD.,
PUDUKKAD.

2. SUBRAMANIAN, S/O.KUNJICHATHAN,
MANGODY HOUSE, KOORKKENCHERY VILLAGE,
VADOOKARA DESOM, THRISSUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 10181 of 2007

Dated this the 26th day of March, 2007

JUDGMENT

Heard the counsel for the petitioner.

Petitioner is the Senior Manager of Indian Bank, Main Branch, Thrissur. The 1st respondent is the decree holder in O.S.1244/1991 on the file of the Sub Court, Thrissur and 2nd respondent is the judgment debtor in the said suit. It is submitted that an order of attachment was issued by the execution court on 30.7.2005 directing attachment of an amount of Rs.2500/- each from the monthly salaries of the 2nd respondent/judgment debtor, who was then working in the M.O.Road Branch of the Indian Bank but the Manager of the said branch has not effected attachment at the rate of Rs.2500/- per month and hence, the difference between the amounts attached and the actual amount which ought to have been attached in compliance with the order

of the court was liable to be recovered from the Bank Manager of the M.O. Road Branch, Thrissur. It submitted further that at the end of December, 2005 the 2nd respondent was transferred to the Main Branch of Indian Bank at Thrissur, where the petitioner was the Senior Manager and he was bound to effect recoveries at the rate of Rs.2500/- per month from the monthly salaries of the 2nd respondent. He did not effect the recoveries during the entire period when the 2nd respondent was working under him. It is submitted that the 2nd respondent was transferred to the branch of the Indian Bank at Kodungallur on 22.1.2007. The execution court vide Ext.P8 order directed the petitioner garnishee to deposit the entire amount that should have been attached for 12 months from the monthly salaries of the 2nd respondent he having violated the directions to attach at the rate of Rs.2500/- per month from the monthly salaries of the 2nd respondent/judgment debtor.

2. It is the said order that is impugned in this writ petition. I do not find any impropriety or illegality in the order of the execution court directing the petitioner to deposit a total amount of Rs.30,000/- which should have been attached and sent to court by him from the salaries of the 2nd respondent he having violated the directions in the attachment order. Further, if at all the attachment is not being effected from the salaries of the 2nd respondent by the Branch Manager of the Kodungallur Branch to which branch the 2nd respondent is stated to have been transferred, he will also be liable to pay the amount, provided the order of attachment is communicated in time by the petitioner and otherwise the petitioner himself will be liable for that amount also. There is no merit in this writ petition. The counsel for the petitioner prays for extension of time to make the deposit. This court cannot interfere and show any

indulgence to the petitioner, who is practically a condemner, he having not obeyed the orders of this court.

In the result, I dismiss this Writ Petition.

(K.P.Balachandran, Judge)

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/True copy/

P.A to Judge